

OLC 78-0422/1

25 April 1978

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MEMORANDUM FOR: [REDACTED]
Acting Legislative Counsel

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FROM: [REDACTED]
Assistant Legislative Counsel

SUBJECT: S. 1566, the Electronic Surveillance Legislation

1. As you are aware, the Senate passed the electronic surveillance bill, S. 1566, last Thursday, 20 April 1978.

2. Also, several committee and floor amendments to the bill were debated and adopted. None of these are of real concern to us. Jim Conley reviewed the floor debate as printed in the Congressional Record and identified the following as among the more interesting of these amendments:

--the Attorney General will report to the Intelligence Committees semi-annually on all surveillance under the Act, and appropriate committees (i.e., Judiciary Committees) shall have access to the information;

--to make it clear that information secured under the emergency procedure may be used in court if the court approves the surveillance;

--that the standard for surveillance of persons engaged in sabotage or terrorism is that the person "knowingly" engage in such acts; and

--to require the Government to identify the target of the surveillance if known.

The House Permanent Select Committee on Intelligence is scheduled to complete its mark-up of its version of the bill on Wednesday, 26 April; a couple of mark-up sessions last week were cancelled for want of a quorum. Thus far, there do not appear to be any serious problems with the House version, and it appears also that the leadership of the Judiciary Committee as well as the ACLU would not oppose the House bill. If the HPSCI does in fact complete its mark-up as scheduled, we will get together with OGC and send the Director a memorandum providing full background on the status of the legislation.

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